

1 tions, utilizing, whenever possible, the specialized ex-
2 pertise of the United States Customs Court and Court
3 of Customs and Patent Appeals and insuring uniform-
4 ity afforded by the national jurisdiction of these courts;

5 (b) to assure access to judicial review of civil ac-
6 tions arising from import transactions, which access is
7 not presently assured due to jurisdictional conflicts
8 arising from the presently ill-defined division of juris-
9 diction between the district courts and the customs
10 courts;

11 (c) to provide expanded opportunities for judicial
12 review of civil actions arising from import transactions;

13 (d) to grant to the customs courts the plenary
14 powers possessed by other courts established under Ar-
15 ticle III of the Constitution of the United States; and

16 (e) to change the name of the United States Cus-
17 toms Court to the United States Court of International
18 Trade to be more descriptive of its expanded jurisdic-
19 tion and its new judicial functions and purposes relat-
20 ing to international trade in the United States.

21 **TITLE II—COMPOSITION OF THE COURT OF IN-**
22 **TERNATIONAL TRADE AND ASSIGNMENT OF**
23 **JUDGES TO OTHER COURTS**

24 **SEC. 201.** The United States Customs Court shall con-
25 tinue as constituted on the day before the date of enactment

1 of this Act, and shall, after the date of enactment of this Act,
2 be known as the United States Court of International Trade.

3 SEC. 202. (a) Section 251 of title 28, United States
4 Code, is amended by striking out the first and second para-
5 graphs of such section and inserting in lieu thereof the
6 following:

7 “(a) The President shall appoint, by and with the advice
8 and consent of the Senate, nine judges who shall constitute a
9 court of record to be known as the United States Court of
10 International Trade. The court is a court established under
11 Article III of the Constitution of the United States.

12 “(b)(1) The chief judge shall be the judge in regular ac-
13 tive service who is senior in commission of those judges
14 who—

15 “(A) are sixty-four years of age or under;

16 “(B) have served for at least one year as judge of
17 the court; and

18 “(C) have not served previously as chief judge.

19 “(2)(A) In any case in which no judge meets the qualifi-
20 cations under paragraph (1), the youngest judge in regular
21 active service who is sixty-five years of age or over and who
22 has served as a judge of the court for at least one year shall
23 act as the chief judge.

24 “(B) In any case under subparagraph (A) in which there
25 is no judge in regular active service who has served as a

1 judge for more than one year, the judge in regular active
2 service who is senior in commission and who has not served
3 previously as chief judge shall act as the chief judge.

4 “(3)(A) Except as provided in subparagraph (C), a chief
5 judge shall serve for a term of seven years, and may continue
6 to serve after the expiration of such term until another judge
7 is eligible to serve as chief judge under paragraph (1).

8 “(B) Except as provided in subparagraph (C), a judge
9 acting as chief judge under subparagraph (A) or (B) of para-
10 graph (2) shall serve until another judge is eligible to serve as
11 chief judge under paragraph (1).

12 “(C) A judge may not serve or act as chief judge after
13 attaining the age of seventy years unless no other judge is
14 eligible to serve as chief judge under paragraph (1) or is eligi-
15 ble to act as chief judge under paragraph (2).

16 “(c) If the chief judge desires to be relieved of his duties
17 as chief judge while retaining his active status as a judge, he
18 may so certify to the Chief Justice of the United States, and
19 thereafter, the chief judge of the court shall be such other
20 judge who is qualified to serve or act as the chief judge under
21 subsection (b).”.

22 (b) The third paragraph of section 251 of title 28,
23 United States Code, is amended by inserting “(d)” immedi-
24 ately before “The offices”.

1 (c) The amendments made by this section to section 251
2 of title 28, United States Code, shall take effect on the date
3 of enactment of this Act, except that those judges serving on
4 the United States Customs Court on the day before the date
5 of enactment of this Act shall continue to serve as judges of
6 the Court of International Trade, and the chief judge of the
7 Customs Court serving on the day before the date of enact-
8 ment of this Act shall continue to serve as chief judge of the
9 Court of International Trade until he attains the age of sev-
10 enty years.

11 SEC. 203. (a) Section 293(b) of title 28, United States
12 Code, is amended by striking out all that appears after “du-
13 ties” and inserting in lieu thereof the following: “in any cir-
14 cuit, either in a court of appeals or district court, upon pres-
15 entation of a certificate of necessity by the chief judge or
16 circuit justice of the circuit in which the need arises.”.

17 (b) Section 293(d) of title 28, United States Code, is
18 amended to read as follows:

19 “(d) The chief judge of the Court of International Trade
20 may, upon presentation to him of a certificate of necessity by
21 the chief judge of the Court of Customs and Patent Appeals
22 or the chief judge of the Court of Claims, designate and as-
23 sign temporarily any judge of the Court of International
24 Trade to serve as a judge of the Court of Customs and Pat-
25 ent Appeals or the Court of Claims.”.

1 **TITLE III—JURISDICTION OF THE COURT OF**
 2 **INTERNATIONAL TRADE**

3 SEC. 301. (a) Chapter 95 of title 28, United States
 4 Code, is amended to read as follows:

5 **“CHAPTER 95—COURT OF INTERNATIONAL TRADE**

“Sec.

“1581. Civil actions against the United States.

“1582. Civil actions commenced by the United States.

“1583. Counterclaims.

“1584. Cure of defects.

“1585. Powers generally.

6 **“§ 1581. Civil actions against the United States**

7 “(a)(1) The Court of International Trade shall have ex-
 8 clusive jurisdiction of any civil action commenced by any per-
 9 son whose protest under the Tariff Act of 1930 has been
 10 denied, in whole or in part, by the appropriate customs offi-
 11 cer, if the administrative decision, including the legality of all
 12 orders and findings entering into the protest, involves—

13 “(A) the appraised value of merchandise;

14 “(B) the classification, rate, and amount of duties
 15 chargeable;

16 “(C) all charges or exactions of whatever charac-
 17 ter within the jurisdiction of the Secretary of the
 18 Treasury;

19 “(D) the exclusion of merchandise from entry or
 20 delivery or a demand for redelivery to customs custody
 21 (including a notice of constructive seizure) under any

1 provisions of the customs laws, except a determination
2 appealable under section 337 of the Tariff Act of 1930;

3 “(E) the liquidation or reliquidation of an entry,
4 or a modification thereof;

5 “(F) the refusal to pay a claim for drawback; or

6 “(G) the refusal to reliquidate an entry under sec-
7 tion 520(c) of the Tariff Act of 1930.

8 “(2) Section 516A of the Tariff Act of 1930 provides
9 the exclusive remedy for any determination subject to judicial
10 review under such section, and such a determination is not
11 otherwise reviewable under this subsection or any other pro-
12 vision of law.

13 “(b) The Court of International Trade shall have exclu-
14 sive jurisdiction of any civil action commenced under section
15 516 or 516A of the Tariff Act of 1930.

16 “(c)(1) After the decision of the President has been pub-
17 lished in the Federal Register, the Court of International
18 Trade shall have exclusive jurisdiction to review advice, find-
19 ings, recommendations, and determinations of the Interna-
20 tional Trade Commission under sections 131, 201, 202, 203,
21 304, 406, and 503 of the Trade Act of 1974, sections 336
22 and 338 of the Tariff Act of 1930, and section 22 of the
23 Agricultural Adjustment Act, solely for the purposes of de-
24 termining the procedural regularity of those actions.

1 “(2) If no advice, findings, recommendations, or deter-
2 minations have been provided to the President by the Inter-
3 national Trade Commission, the Court of International Trade
4 shall have exclusive jurisdiction to review any action of the
5 commission under the sections specified in paragraph (1) of
6 this subsection, solely for the purposes of determining the
7 procedural regularity of those actions.

8 “(d) After the decision of the President has been pub-
9 lished in the Federal Register, the Court of International
10 Trade shall have exclusive jurisdiction to review any action
11 of the Office of the Special Trade Representative under sec-
12 tion 302(b)(1) or 304 of the Trade Act of 1974, solely for the
13 purposes of determining the procedural regularity of those
14 actions.

15 “(e) The Court of International Trade shall have exclu-
16 sive jurisdiction of any civil action to review any determina-
17 tion of the Secretary of Labor or the Secretary of Commerce
18 certifying or refusing to certify workers, communities, or
19 businesses as eligible for adjustment assistance under the
20 Trade Act of 1974. No injunction or writ of mandamus shall
21 be issued in any civil action arising under this subsection.

22 “(f) The Court of International Trade shall have exclu-
23 sive jurisdiction of any civil action commenced by a party-at-
24 interest to review a final determination made under section
25 305(b)(1) of the Trade Agreements Act of 1979.

1 “(g) The Court of International Trade shall have exclu-
 2 sive jurisdiction of any civil action commenced under section
 3 777(c)(2) of the Tariff Act of 1930.

4 “(h)(1) In addition to the jurisdiction conferred upon the
 5 Court of International Trade by subsections (a) through (g) of
 6 this section and subject to the exceptions provided in subsec-
 7 tion (i), the Court of International Trade shall have exclusive
 8 jurisdiction over any civil action against the United States,
 9 its agencies or its officers, which—

10 “(A) arises directly from import transactions; and

11 “(B)(i) involves the Tariff Act of 1930, the Trade
 12 Expansion Act of 1962, the Trade Act of 1974, or the
 13 Trade Agreements Act of 1979; or

14 “(ii) a provision of—

15 “(I) the Constitution of the United States,

16 “(II) a treaty of the United States,

17 “(III) an executive agreement executed by
 18 the President, or

19 “(IV) an Executive order of the President,
 20 which directly and substantially involves international
 21 trade.

22 “(2) Section 516A of the Tariff Act of 1930 provides
 23 the exclusive remedy for any determination subject to judicial
 24 review under such section, and such a determination is not

1 otherwise reviewable under this subsection or any other pro-
2 vision of law.

3 “(i)(1) The Court of International Trade shall not have
4 jurisdiction—

5 “(A) of any civil action arising under section 305
6 of the Tariff Act of 1930;

7 “(B) subject to the provisions of paragraph (2), to
8 review any ruling or refusal to issue or to change a
9 ruling relating to classification, valuation, rate of duty,
10 marking, restricted merchandise, entry requirements,
11 drawbacks, vessel repairs, and similar matters issued
12 by the Secretary of the Treasury under applicable reg-
13 ulations other than in connection with a civil action
14 commenced under subsection (a) of this section; or

15 “(C) of any civil action with respect to any effort
16 by the United States to recover a civil fine or penalty
17 or to enforce a forfeiture, to recover upon a bond, or to
18 recover customs duties, other than as specified in sec-
19 tion 1582 of this title.

20 “(2) Paragraph (1)(B) shall not apply if a plaintiff dem-
21 onstrates that, without a substantial doubt, (A) it would be
22 commercially impractical to obtain judicial review under sub-
23 section (a) of this section; and (B) the plaintiff would other-
24 wise suffer irreparable injury. If the plaintiff fulfills the condi-
25 tions set forth in the preceding sentence and demonstrates

1 that the Secretary's ruling or refusal to issue or to change a
2 ruling is arbitrary or capricious or otherwise contrary to law,
3 the court shall award appropriate declaratory relief.

4 **"§ 1582. Civil actions commenced by the United States**

5 “(a) Subject to the provisions of subsections (b) and (c)
6 of this section, the Court of International Trade shall have
7 exclusive jurisdiction of any civil action commenced by the
8 United States under section 592, 704(i)(2), or 734(i)(2) of the
9 Tariff Act of 1930.

10 “(b)(1) Any party to a civil action described in subsec-
11 tion (a) who desires to have the action tried before a jury
12 may, within 30 days after the action is commenced in the
13 Court of International Trade, file a motion with the clerk of
14 the court requesting a transfer of the action to an appropriate
15 district court.

16 “(2) The Court of International Trade shall promptly
17 order the action transferred to the appropriate district court if
18 the court determines that the moving party is entitled to a
19 trial by jury in such action.

20 “(c) Within 10 days after the issuance of an order of
21 transfer under subsection (b)(2), the clerk of the Court of In-
22 ternational Trade shall transmit all pleadings and documents
23 to the clerk of the appropriate district court. The action shall
24 proceed as if it had been commenced in the district court in

1 the first instance, and the court shall determine the matter de
2 novo.

3 “(d) The relevant provisions of sections 2461 through
4 2465 of this title, section 592(e) of the Tariff Act of 1930,
5 and the Federal Rules of Evidence shall apply in any action
6 commenced in the Court of International Trade or trans-
7 ferred to a district court under this section.

8 **“§ 1583. Counterclaims**

9 “The Court of International Trade shall have jurisdic-
10 tion to render judgment upon any counterclaim asserted by
11 the United States—

12 “(1) which arises out of an import transaction
13 pending before the court;

14 “(2) to recover upon a bond relating to an import
15 transaction pending before the court; or

16 “(3) to recover customs duties relating to an im-
17 port transaction pending before the court.

18 **“§ 1584. Cure of defects**

19 “(a) If a civil action within the exclusive jurisdiction of
20 the Court of International Trade is commenced in a district
21 court, the district court shall, in the interest of justice, trans-
22 fer such civil action to the Court of International Trade,
23 where the action shall proceed as if it had been commenced
24 in the Court of International Trade in the first instance.

“(b) If a civil action within the exclusive jurisdiction of a district court or a court of appeals is commenced in the Court of International Trade, the Court of International Trade shall, in the interest of justice, transfer such civil action to the appropriate district court or court of appeals, where the civil action shall proceed as if it had been commenced in the district court or court of appeals in the first instance.

“§ 1585. Powers generally

“The Court of International Trade shall possess all the powers in law and equity of, or as conferred by statute upon, a district court of the United States.”.

(b) The table of chapters for part IV of title 28, United States Code, is amended in the item relating to chapter 95 by striking out “Customs Court” and inserting in lieu thereof “Court of International Trade”.

TITLE IV—COURT OF INTERNATIONAL TRADE
PROCEDURE

SEC. 401. (a) Chapter 169 of title 28, United States Code, is amended to read as follows:

“CHAPTER 169—COURT OF INTERNATIONAL TRADE
PROCEDURE

“Sec.

“2631. Persons entitled to commence a civil action.

“2632. Commencement of a civil action.

“2633. Procedure and fees.

“2634. Notice.

“2635. Filing of official documents.

“2636. Time for commencement of action.

“2637. Exhaustion of administrative remedies.

“2638. New grounds in support of a civil action.

“2639. Burden of proof; evidence of value.

“2640. Scope and standard of review.

“2641. Witnesses; inspection of documents.

“2642. Analysis of imported merchandise.

“2643. Relief.

“2644. Decisions; findings of fact and conclusions of law; effect of decisions.

“2645. Retrial or rehearing.

“2646. Precedence of cases.

1 “§ 2631. Persons entitled to commence a civil action

2 “(a) A civil action contesting the denial, in whole or in
3 part, of a protest under section 515 of the Tariff Act of 1930
4 may be commenced in the Court of International Trade by
5 the person who filed the protest under section 514 of the
6 Tariff Act of 1930, or by his estate, heirs, or successors or by
7 a surety of such person in the transaction which is the subject
8 of the protest.

9 “(b) A civil action contesting the denial, in whole or in
10 part, of a petition under section 516 of the Tariff Act of 1930
11 may be commenced in the Court of International Trade by
12 the domestic interested party who filed the petition or his
13 estate, heirs, or successors.

14 “(c) A civil action contesting a determination listed in
15 section 516A of the Tariff Act of 1930 may be commenced in
16 the Court of International Trade by any interested party who
17 is a party to the administrative proceeding or his estate,
18 heirs, or successors.

19 “(d) A civil action to review a final determination made
20 under section 305(b)(1) of the Trade Agreements Act of 1979

1 may be commenced in the Court of International Trade by
2 any party-at-interest.

3 “(e) A civil action involving an application for an order
4 to make confidential information available under section
5 777(c)(2) of the Tariff Act of 1930 may be commenced in the
6 Court of International Trade by any interested party who is a
7 party to the investigation.

8 “(f) A civil action, other than a civil action specified in
9 subsections (a) through (e) of this section, may be commenced
10 in the Court of International Trade by any person adversely
11 affected or aggrieved by an agency action within the meaning
12 of section 702 of title 5, United States Code.

13 “(g) Except in civil actions commenced under section
14 1581(a) of this title or section 516 of the Tariff Act of 1930,
15 any person who would be adversely affected or aggrieved by
16 a decision in a civil action pending in the Court of Interna-
17 tional Trade may, by leave of court, intervene in that civil
18 action. In exercising its discretion, the court shall consider
19 whether the intervention will unduly delay or prejudice the
20 adjudication of the rights of the original parties.

21 “(h) Any person who is a party to the investigation and
22 would be adversely affected or aggrieved by a decision in a
23 civil action involving an order to make confidential informa-
24 tion available under section 777(c)(2) of the Tariff Act of
25 1930 may, by leave of court, intervene in that civil action.

1 “(i) For the purposes of this section, the term—

2 “(1) ‘interested party’ means—

3 “(A) a foreign manufacturer, producer, or ex-
4 porter, or the United States importer, of merchan-
5 dise which is the subject of an investigation under
6 title VII of the Tariff Act of 1930, or a trade or
7 business association the majority of the members
8 of which are importers of such merchandise;

9 “(B) the government of a country in which
10 such merchandise is produced or manufactured;

11 “(C) a manufacturer, producer, or wholesaler
12 in the United States of a like product;

13 “(D) a certified union or recognized union or
14 group of workers which is representative of an in-
15 dustry engaged in the manufacture, production, or
16 wholesale in the United States of a like product;
17 and

18 “(E) a trade or business association the ma-
19 jority of whose members manufacture, produce, or
20 wholesale a like product in the United States;

21 “(2) ‘domestic interested party’ means a party as
22 defined in subparagraphs (C), (D), and (E) of paragraph
23 (1);

24 “(3) ‘party-at-interest’ means—

1 “(A) a foreign manufacturer, producer, or ex-
2 porter, or a United States importer, of merchan-
3 dise which is the subject of a final determination;

4 “(B) a manufacturer, producer, or wholesaler
5 in the United States of a like product;

6 “(C) United States members of a labor orga-
7 nization or other association of workers whose
8 members are employed in the manufacture, pro-
9 duction, or wholesale in the United States of a
10 like product; and

11 “(D) a trade or business association a major-
12 ity of whose members manufacture, produce, or
13 wholesale a like product in the United States; and

14 “(4) ‘like product’ means a product which is like,
15 or in the absence of like, most similar in characteristics
16 and uses with the article subject to an investigation
17 under title VII of the Tariff Act of 1930 or a final de-
18 termination under section 305(b)(1) of the Trade
19 Agreements Act of 1979.

20 **“§ 2632. Commencement of a civil action**

21 “(a) Each civil action under section 516 of the Tariff
22 Act of 1930 or section 1581(a) of this title shall be com-
23 menced by filing with the clerk of the Court of International
24 Trade a summons, with the content and in the form, manner,
25 and style prescribed by the rules of the court.

1 “(b) Each civil action under section 516A of the Tariff
2 Act of 1930 shall be commenced by filing with the clerk of
3 the court a summons or a summons and a complaint, as pre-
4 scribed in that section, with the content and in the form,
5 manner, and style prescribed by the rules of the court.

6 “(c) Except for those civil actions specified in subsec-
7 tions (a) and (b) of this section, all civil actions shall be com-
8 menced by filing with the clerk of the court a summons and
9 complaint, with the content and in the form, manner, and
10 style prescribed by the rules of the court.

11 “(d) The Court of International Trade may prescribe by
12 rule that any pleading or other paper mailed by registered or
13 certified mail properly addressed to the clerk of the court
14 with the proper postage affixed and return receipt requested
15 shall be deemed filed as of the date of mailing.

16 **“§ 2633. Procedure and fees**

17 “(a) A filing fee shall be payable upon the commence-
18 ment of an action. The amount of the fee shall be fixed by the
19 Court of International Trade, but shall be not less than \$5
20 nor more than the filing fee for commencing a civil action in a
21 United States district court. The Court of International
22 Trade may fix all other fees to be charged by the clerk of the
23 court.

24 “(b) The Court of International Trade shall prescribe
25 rules governing pleadings and other papers, including their

1 amendment, service, and filing, and for consolidations, sever-
 2 ances, suspension of cases, and other procedural matters.

3 “(c) All pleadings and other papers filed in the Court of
 4 International Trade shall be served on all parties in accord-
 5 ance with the rules prescribed by the court. When the United
 6 States, its agencies, or its officers are adverse parties, service
 7 of the summons shall be made upon the Attorney General
 8 and the head of the agencies whose actions are complained
 9 of, and when injunctive relief is sought, upon the named offi-
 10 cials sought to be enjoined.

11 **“§ 2634. Notice**

12 “Reasonable notice of the time and place of trial or
 13 hearing before the Court of International Trade shall be
 14 given to all parties to any civil action in accordance with the
 15 rules prescribed by the court.

16 **“§ 2635. Filing of official documents**

17 “(a)(1) Upon service of the summons on the Secretary of
 18 the Treasury in any civil action contesting the denial of a
 19 protest under section 515 of the Tariff Act of 1930, or the
 20 denial of a petition under section 516 of that Act, the appro-
 21 priate customs officer shall forthwith transmit to the clerk of
 22 the Court of International Trade, as prescribed by its rules,
 23 and as part of the official record—

24 “(A) the consumption or other entry and the entry
 25 summary;

1 “(B) the commercial invoice;

2 “(C) the special customs invoice;

3 “(D) a copy of protest or petition;

4 “(E) a copy of the denial of a protest or petition
5 in whole or in part;

6 “(F) any importer’s exhibits;

7 “(G) the official and other representative samples;

8 “(H) any official laboratory reports; and

9 “(I) a copy of any bond relating to the entry.

10 “(2) If any of the items listed in paragraph (1) do not
11 exist in a particular civil action, an affirmative statement to
12 that effect shall be transmitted to the clerk of the court.

13 “(b)(1) In any action commenced under section 516A of
14 the Tariff Act of 1930, within forty days or within such peri-
15 od of time as the Court of International Trade may specify,
16 after service of the complaint upon the administering authori-
17 ty established to administer title VII of the Tariff Act of
18 1930 or the United States International Trade Commission,
19 the administering authority or the commission shall transmit
20 to the clerk of the court, as prescribed by its rules, the record
21 which, unless otherwise stipulated by the parties, shall con-
22 sist of—

23 “(A) a copy of all information presented to or ob-
24 tained by the administering authority or the commis-
25 sion during the course of the administrative proceed-

1 ings, including all governmental memorandums pertain-
2 ing to the case and the record of ex parte meetings re-
3 quired to be maintained by section 777(a)(3) of the
4 Tariff Act of 1930; and

5 “(B) a copy of the determination with a statement
6 of reasons, if any, all transcripts or records of confer-
7 ences or hearings, and all notices published in the Fed-
8 eral Register.

9 “(2) Any documents, comments, or information accord-
10 ed confidential or privileged status and required to be trans-
11 mitted to the clerk of the Court of International Trade under
12 paragraph (1) shall be transmitted as prescribed by its rules
13 to the clerk of the court under seal, and its confidential or
14 privileged status shall be preserved in the litigation. Any
15 such documents, comments, or information shall be accompa-
16 nied by a nonconfidential description of the nature of such
17 confidential documents, comments, or information. The court
18 may examine, in camera, the confidential or privileged mate-
19 rial and may make such material available under such terms
20 and conditions as the court may order.

21 “(c) Within fifteen days or within such period of time as
22 the Court of International Trade may specify, after service of
23 the complaint upon the administering authority or the com-
24 mission in a civil action involving an application for an order
25 to make confidential information available under section

1 777(c)(2) of the Tariff Act of 1930, the administering authori-
2 ty or the commission shall transmit, as prescribed by its
3 rules, to the clerk of the court under seal, the confidential
4 information involved together with the pertinent parts of the
5 record.

6 “(d)(1) In any other civil action in which judicial review
7 is based upon the record made before the agency, the agency
8 shall, within forty days or within such time as the Court of
9 International Trade may specify after service of the com-
10 plaint upon the agency, transmit to the clerk of the court, as
11 prescribed by its rules—

12 “(A) a copy of the contested determination and
13 the findings or report upon which it is based;

14 “(B) a copy of any reported hearings or confer-
15 ences conducted by the agency; and

16 “(C) any documents, comments, or other papers
17 filed by the public, interested parties, or governments
18 with regard to the agency’s action, identifying and
19 transmitting, under seal, any documents, comments, or
20 other information obtained on a confidential basis, in-
21 cluding a nonconfidential description of the nature of
22 such confidential documents, comments, or information.

23 “(2) The parties may stipulate that fewer documents,
24 comments, or other information than that specified in para-
25 graph (1) shall be transmitted to the court.

1 “(3) The confidentiality accorded such documents, com-
2 ments, and information shall be preserved in the litigation,
3 but the court may examine in camera such documents, com-
4 ments, and information and may order the disclosure of such
5 documents, comments, or information under such terms and
6 conditions as the court deems appropriate.

7 **“§ 2636. Time for commencement of action**

8 “(a) A civil action contesting the denial of a protest
9 under section 515 of the Tariff Act of 1930, is barred unless
10 commenced in accordance with the rules of the Court of In-
11 ternational Trade—

12 “(1) within one hundred and eighty days after the
13 date of mailing of notice of denial, in whole or in part,
14 of a protest by the Customs Service;

15 “(2) if no notice is mailed within the two-year pe-
16 riod specified in section 515(a) of the Tariff Act of
17 1930, within one hundred and eighty days after the
18 date of the expiration of the two-year period specified
19 in such section; or

20 “(3) within one hundred and eighty days after the
21 date of denial of a protest by operation of law under
22 the provisions of section 515(b) of the Tariff Act of
23 1930.

24 “(b) A civil action contesting the denial of a petition
25 under section 516 of the Tariff Act of 1930 is barred unless

1 commenced in accordance with the rules of the Court of In-
2 ternational Trade within thirty days after the date of mailing
3 of a notice transmitted under section 516(c) of the Tariff Act
4 of 1930.

5 “(c) A civil action contesting a determination by the ad-
6 ministering authority, under section 703(c) or 733(c) of the
7 Tariff Act of 1930, that a case is extraordinarily complicated
8 is barred unless commenced in accordance with the rules of
9 the Court of International Trade within ten days after the
10 date of the publication of the determination in the Federal
11 Register.

12 “(d) A civil action contesting a reviewable determina-
13 tion listed in section 516A of the Tariff Act of 1930, other
14 than a determination under section 703(c) or 733(c) of that
15 Act, is barred unless commenced in accordance with the rules
16 of the Court of International Trade within thirty days after
17 the date of publication of the determination in the Federal
18 Register.

19 “(e) A civil action involving an application for an order
20 to make confidential information available under section
21 777(c)(2) of the Tariff Act of 1930 is barred unless com-
22 menced in accordance with the rules of the Court of Interna-
23 tional Trade within ten days after the date of the denial of a
24 request for confidential information.

1 “(f) A civil action contesting a final determination made
2 under section 305(b)(1) of the Trade Agreements Act of 1979
3 is barred unless commenced in accordance with the rules of
4 the Court of International Trade within thirty days after the
5 date of publication of the determination in the Federal
6 Register.

7 “(g) A civil action, other than an action specified in sub-
8 sections (a) through (f) of this section, of which the court has
9 jurisdiction under section 1581 of this title is barred unless
10 commenced in accordance with the rules of the Court of In-
11 ternational Trade within two years after the cause of action
12 first accrues.

13 **“§ 2637. Exhaustion of administrative remedies**

14 “(a) A civil action contesting the denial of a protest
15 under section 515 of the Tariff Act of 1930 may be com-
16 menced only if all liquidated duties, charges, and exactions
17 have been paid at the time the action is commenced, except
18 that a surety’s obligation to pay such liquidated duties,
19 charges, and exactions is limited to the sum of any bond re-
20 lating to each entry included in a denied protest. If a surety
21 commences a civil action in the Court of International Trade,
22 the surety shall recover only the amount of the liquidated
23 duties, charges, and exactions paid on the entries included in
24 the action. The excess amount of any recovery shall be paid

1 to the importer of record, or its estate, heirs, successors, or
2 assigns.

3 “(b) A civil action contesting the denial of a petition
4 under section 516 of the Tariff Act of 1930 may be com-
5 menced only by a person who has first exhausted the proce-
6 dures specified in that section.

7 “(c) In any civil action not specified in this section, the
8 Court of International Trade shall require the exhaustion of
9 appropriate administrative remedies.

10 **“§ 2638. New grounds in support of a civil action**

11 “In any case in which the denial, in whole or in part, of
12 a protest is a precondition to the institution of a civil action in
13 the Court of International Trade, the court, by rule, may
14 consider any new ground in support of the civil action if the
15 new ground—

16 “(1) applies to the same merchandise that was the
17 subject of the protest; and

18 “(2) is related to the same administrative determi-
19 nations listed in section 514 of the Tariff Act of 1930
20 that were contested in the protest.

21 **“§ 2639. Burden of proof; evidence of value**

22 “(a) In any civil action over which the Court of Interna-
23 tional Trade has jurisdiction under subsection (a) or (b) of
24 section 1581, the determination of the Secretary of the
25 Treasury, the administering authority, or the International

1 Trade Commission, or their delegates, is presumed to be cor-
2 rect. The burden to prove otherwise shall rest upon the party
3 challenging the determination.

4 “(b) Where the value of merchandise or any of its com-
5 ponents is in issue—

6 “(1) reports or depositions of consuls, customs of-
7 ficers, and other officers of the United States, and dep-
8 ositions and affidavits of other persons whose attend-
9 ance cannot reasonably be had may be admitted into
10 evidence when served upon the opposing party in ac-
11 cordance with the rules of the Court of International
12 Trade;

13 “(2) price lists and catalogs may be admitted in
14 evidence when duly authenticated, relevant, and mate-
15 rial; and

16 “(3) the value of merchandise shall be determined
17 from the evidence in the record and that adduced at
18 the trial, whether or not the merchandise or sample
19 thereof is available for examination.

20 “(c) The provisions of subsection (a) shall not apply to
21 any action commenced in the Court of International Trade
22 under section 1582 of this title, unless permitted by the Fed-
23 eral Rules of Evidence.

1 **“§ 2640. Scope and standard of review**

2 “(a) The Court of International Trade shall determine
3 the matter de novo upon the basis of the record made before
4 the court in the following categories of civil actions:

5 “(1) Civil actions contesting the denial of a pro-
6 test under section 515 of the Tariff Act of 1930 in-
7 volving—

8 “(A) except to the extent judicial review is
9 available under subsection (b) of this section in the
10 case of a determination made reviewable under
11 section 516A of the Tariff Act of 1930—

12 “(i) the appraised value of merchandise;

13 “(ii) the classification, rate, and amount
14 of duties or fees chargeable;

15 “(iii) all charges or exactions of what-
16 ever character within the jurisdiction of the
17 Secretary of the Treasury; and

18 “(iv) the required redelivery of imports
19 under the terms of an entry bond or the ex-
20 clusion of merchandise from entry or delivery
21 under the customs laws or under an action of
22 the Customs Service;

23 “(B) the refusal to pay a claim for a draw-
24 back; and

1 “(C) the refusal to reliquidate an entry under
2 section 520(c) of the Tariff Act of 1930.

3 “(2) Civil actions commenced under section 516(c)
4 of the Tariff Act of 1930.

5 “(3) Civil actions commenced under section
6 1581(f) of this title.

7 “(4) Civil actions commenced under section
8 1581(g) of this title.

9 “(5) Civil actions commenced in the Court of In-
10 ternational Trade under section 1582 of this title.

11 “(b) In any civil action commenced under section 516A
12 of the Tariff Act of 1930, the court shall review the matter
13 as specified in subsection (b) of that section.

14 “(c) In any civil action commenced under subsection (c)
15 or (d) of section 1581 of this title, the court shall review the
16 matter as specified in those subsections.

17 “(d) In any civil action commenced under section
18 1581(e) of this title, the court shall review the matter as
19 specified in section 250 of the Trade Act of 1974. The deter-
20 mination of the Secretary of Commerce under sections 251
21 and 271 of the Trade Act of 1974 shall be subject to judicial
22 review in the same manner and to the same extent as pro-
23 vided in section 250 of the Trade Act of 1974.

1 “(e) In any civil action not specified in this section, the
2 court shall review the matter as provided in section 706 of
3 title 5, United States Code.

4 **“§ 2641. Witnesses; inspection of documents**

5 “(a) Except as otherwise provided by law, in any civil
6 action in the Court of International Trade, the parties and
7 their attorneys shall have an opportunity to introduce evi-
8 dence, to hear and cross-examine the witnesses of the other
9 party, and to inspect all samples and all papers admitted or
10 offered as evidence under rules prescribed by the court. Ex-
11 cept as provided in section 2639 of this title, subsection (b) of
12 this section, or any rule prescribed by the court, the Federal
13 Rules of Evidence shall apply to all civil actions in the Court
14 of International Trade.

15 “(b) The Court of International Trade may order that in
16 any civil action trade secrets and commercial or financial in-
17 formation which is privileged and confidential, or any infor-
18 mation provided to the United States by foreign governments
19 or foreign persons, shall not be disclosed or shall be disclosed
20 to a party, its counsel, or any other person, only under such
21 terms and conditions as the court may order.

22 **“§ 2642. Analysis of imported merchandise**

23 “‘The Court of International Trade may order an analy-
24 sis of imported merchandise and reports thereon by laborato-
25 ries or agencies of the United States.

1 **“§ 2643. Relief**

2 “(a) In any civil action commenced under section 1581
3 or 1582 of this title or in any counterclaim asserted under
4 section 1583 of this title, the Court of International Trade
5 may, if appropriate, enter a judgment for money for or
6 against the United States.

7 “(b) In any civil action commenced under section
8 1581(a) of this title or section 516 of the Tariff Act of 1930,
9 if the Court of International Trade is unable to arrive at the
10 correct determination on the basis of the evidence presented,
11 the court may order such further administrative or adjudica-
12 tive procedures that the court deems necessary.

13 “(c) In any civil action involving an application for an
14 order requiring the administering authority or to the Interna-
15 tional Trade Commission to make confidential information
16 available under section 777(c)(2) of the Tariff Act of 1930,
17 the court may issue an order of disclosure only with respect
18 to the information specified in that section.

19 “(d) In addition to the orders specified in subsections (a),
20 (b), and (c) of this section, the Court of International Trade
21 may order any form of relief which is appropriate, including,
22 but not limited to, declaratory judgments, orders of remand,
23 writs of mandamus, and prohibition and injunction.

24 “(e) The Court of International Trade may, in extraor-
25 dinary circumstances, grant appropriate preliminary or per-

1 manent injunctive relief upon the request of a person who,
 2 after exhausting all appropriate administrative remedies,
 3 would have the right to commence a civil action in the Court
 4 of International Trade. In ruling upon such a request, the
 5 court shall consider, among other matters, whether the per-
 6 son making the request will be irreparably injured if the relief
 7 is not granted, and if so, whether the irreparable injury
 8 outweighs the effect that the issuance of the requested in-
 9 junction would have upon the public interest.

10 **“§ 2644. Decisions; findings of fact and conclusions of law;**

11 **effect of decisions**

12 “(a) A final decision of the Court of International Trade
 13 in a contested civil action or a decision granting or refusing
 14 an injunction shall be supported by—

15 “(1) a statement of findings of fact and conclu-
 16 sions of law, or

17 “(2) an opinion stating the reasons and facts upon
 18 which the decision is based.

19 “(b) Upon motion of a party, or upon its own motion,
 20 made not later than thirty days after entry of judgment, the
 21 court may amend its findings or make additional findings and
 22 may amend the decision and judgment accordingly.

23 “(c) A decision of the Court of International Trade is
 24 final and conclusive, unless a retrial or rehearing is granted
 25 under section 2645 of this title or an appeal is taken to the

1 Court of Customs and Patent Appeals within the time and
2 the manner provided in section 2601 of this title.

3 **“§ 2645. Retrial or rehearing**

4 “After the Court of International Trade has rendered a
5 judgment or order the court may, upon motion of a party or
6 upon its own motion, grant a retrial or rehearing, as the case
7 may be. A party’s motion shall be made or the court’s action
8 on its own motion shall be taken, not later than thirty days
9 after entry of the judgment or order.

10 **“§ 2646. Precedence of cases**

11 “(a) A civil action involving the exclusion of perishable
12 merchandise shall be given precedence over other civil ac-
13 tions pending before the Court of International Trade, and
14 shall be assigned for hearing or trial at the earliest practica-
15 ble date and expedited in every way.

16 “(b) Except those civil actions given precedence under
17 subsection (a), a civil action for the review of a determination
18 under section 516A(a)(1)(B) or under section 516A(a)(1)(E) of
19 the Tariff Act of 1930 shall be given precedence over other
20 civil actions pending before the court, and shall be assigned
21 for hearing or trial at the earliest practicable date and expe-
22 dited in every way.

23 “(c) Except those civil actions given precedence under
24 subsection (a) or (b), a civil action involving the exclusion or
25 redelivery of merchandise arising under section 1581 of this

1 title or under 516 or 516A of the Tariff Act of 1930, shall be
2 given precedence over other civil actions pending before the
3 court, and shall be assigned for hearing or trial at the earliest
4 practicable date and expedited in every way.”.

5 (b) The table of chapters for part VI of title 28, United
6 States Code, is amended in the item relating to chapter 169
7 by striking out “Customs Court” and inserting in lieu thereof
8 “Court of International Trade”.

9 TITLE V—COURT OF CUSTOMS AND PATENT

10 APPEALS

11 SEC. 501. (a) Section 1541(a) of title 28, United States
12 Code, is amended by striking out: “and from any interlocu-
13 tory order granting, continuing, modifying, refusing, or dis-
14 solving an injunction, or refusing to dissolve or modify an
15 injunction, under section 516A(c)(2) of the Tariff Act of
16 1930:”.

17 (b) Section 1541 is amended by adding at the end there-
18 of the following:

19 “(c) The Court of Customs and Patent Appeals has ex-
20 clusive jurisdiction of any appeal from an interlocutory order
21 of the Court of International Trade granting, continuing,
22 modifying, refusing, or dissolving injunctions, or refusing to
23 dissolve or modify injunctions.”.

24 SEC. 502. (a) Section 1543 of title 28, United States
25 Code, is amended to read as follows:

1 **“§ 1543. International Trade Commission determinations**

2 “The Court of Customs and Patent Appeals shall have
3 jurisdiction to review the determinations of the United States
4 International Trade Commission made under section 337 of
5 the Tariff Act of 1930 relating to unfair trade practices in
6 import trade.”.

7 (b) The table of sections for chapter 93 of title 28,
8 United States Code, is amended by amending the item relat-
9 ing to section 1543 to read as follows:

“1543. International Trade Commission determinations.”.

10 SEC. 503. (a) Chapter 93 of title 28, United States
11 Code, is amended by adding at the end thereof the following
12 new section:

13 **“§ 1546. Rules of evidence; powers in law and equity; ex-**
14 **clusive jurisdiction**

15 “(a) Except as provided in section 2639 of this title,
16 subsection (b) of section 2641 of this title, or any rules pre-
17 scribed by the Court of Customs and Patent Appeals, the
18 Federal Rules of Evidence shall apply in the Court in any
19 appeal from the Court of International Trade.

20 “(b) The Court of Customs and Patent Appeals shall
21 have all the powers in law and equity of, or as conferred by
22 statute upon, the courts of appeals of the United States.

23 “(c) The Court of Customs and Patent Appeals has ex-
24 clusive jurisdiction to review—

1 “(1) any decision of the Secretary of the Treasury
2 to deny or revoke a customs brokers’ license under
3 section 641(a) of the Tariff Act of 1930; and

4 “(2) any action challenging an order to revoke or
5 suspend a license under section 641(b) of the Tariff Act
6 of 1930.”.

7 (b) The table of sections for chapter 93 of that title is
8 amended by adding at the end thereof the following:

 “1546. Rules of evidence; powers in law and equity; exclusive jurisdiction.”.

9 SEC. 504. (a) Section 2601(a) of title 28, United States
10 Code, is amended by adding the following at the end thereof:
11 “If a timely notice of appeal is filed by a party, any other
12 party may file a notice of appeal within fourteen days after
13 the date on which the first notice of appeal was filed.”.

14 (b) The first sentence of section 2601(b) of title 28,
15 United States Code, is amended—

16 (1) by inserting “or cross appeal” after “appeal”
17 each time it appears; and

18 (2) by striking out “which shall include a concise
19 statement of the errors complained of”.

20 (c) The third sentence of section 2601(b) of title 28,
21 United States Code, is amended by striking out “and the
22 Secretary of the Treasury or their designees” and inserting
23 in lieu thereof “and any named official”.

1 (d) Section 2601(c) of title 28, United States Code, is
2 amended by inserting the following after the first sentence:
3 “Findings of fact shall not be set aside unless clearly errone-
4 ous and due regard shall be given to the opportunity of the
5 Court of International Trade to judge the credibility of the
6 witnesses. A party may raise on appeal the question of
7 whether findings of fact are clearly erroneous, whether or not
8 the party raising the questions made an objection to such
9 findings in the Court of International Trade or made a mo-
10 tion to amend such findings.”.

11 SEC. 505. (a) Section 2602 of title 28, United States
12 Code, is amended to read as follows:

13 **“§ 2602. Precedence of cases**

14 “(a) A civil action involving the exclusion of perishable
15 merchandise shall be given precedence over other civil ac-
16 tions pending before the Court of Customs and Patent Ap-
17 peals, and shall be assigned for hearing at the earliest practi-
18 cable date and expedited in every way.

19 “(b) Except those civil actions given precedence under
20 subsection (a), a civil action for the review of a determination
21 under section 516A(a)(1)(B) or under section 516A(a)(1)(E) of
22 the Tariff Act of 1930 shall be given precedence over other
23 civil actions pending before the court, and shall be assigned
24 for hearing at the earliest practicable date and expedited in
25 every way.

1 “(c) Except those civil actions given precedence under
 2 subsection (a) or (b), a civil action involving the exclusion or
 3 redelivery of merchandise arising under section 1581 of this
 4 title or under 516 or 516A of the Tariff Act of 1930, shall be
 5 given precedence over other civil actions pending before the
 6 court, and shall be assigned for hearing at the earliest practi-
 7 cable date and expedited in every way.

8 “(d) Except those civil actions given precedence under
 9 subsection (a), (b), or (c), an appeal from findings of the Sec-
 10 retary of Commerce provided for in headnote 6 to schedule 8,
 11 part 4, of the Tariff Schedules of the United States (19
 12 U.S.C. 1202) shall be given precedence over other civil ac-
 13 tions pending before the court, and shall be assigned for hear-
 14 ing at the earliest practicable date and expedited in every
 15 way.”.

16 (b) The item relating to section 2602 in the table of
 17 sections for chapter 167 of title 28, United States Code, is
 18 amended to read as follows:

“2602. Precedence of cases.”.

19 SEC. 506. (a) Chapter 167 of title 28, United States
 20 Code, is amended by adding at the end thereof the following
 21 new section:

22 **“§ 2603. Judicial conference**

23 “The Court of Customs and Patent Appeals is author-
 24 ized to conduct an annual judicial conference for the purposes

1 of considering the business of the court and improvements in
2 the administration of justice in the court.”.

3 (b) The table of contents for chapter 167 of such title is
4 amended by adding at the end thereof the following new
5 item:

“2603. Judicial conference.”.

6 TITLE VI—CONFORMING AMENDMENTS
7 RELATING TO THE NAME OF THE COURT

8 SEC. 601. Section 1 of the Act entitled “An Act to
9 provide the name by which the Board of General Appraisers
10 and members thereof shall hereby after be known”, approved
11 May 28, 1926 (19 U.S.C. 405(a)), is amended by striking out
12 “Customs Court” and inserting “Court of International
13 Trade” each time it appears.

14 SEC. 602. Section 305 of the Tariff Act of 1930 (19
15 U.S.C. 1305) is amended by striking out “Customs Court”
16 and inserting “Court of International Trade”.

17 SEC. 603. Section 502(b) of the Tariff Act of 1930 (19
18 U.S.C. 1502(b)) is amended by striking out “Customs Court”
19 and inserting “Court of International Trade”.

20 SEC. 604. Section 503 of the Tariff Act of 1930 (19
21 U.S.C. 1503) is amended by striking out “Customs Court”
22 and inserting “Court of International Trade”.

23 SEC. 605. Section 514(a) of the Tariff Act of 1930 (19
24 U.S.C. 1514(a)) is amended by striking out “Customs Court”

1 and inserting "Court of International Trade" each time it
2 appears.

3 SEC. 606. Section 516(d) of the Tariff Act of 1930 (19
4 U.S.C. 1516(d)) is amended by striking out "Customs Court"
5 and inserting "Court of International Trade".

6 SEC. 607. Section 516(e) of the Tariff Act of 1930 (19
7 U.S.C. 1516(e)) is amended by striking out "Customs Court"
8 and inserting "Court of International Trade".

9 SEC. 608. Section 516(f) of the Tariff Act of 1930 (19
10 U.S.C. 1516(f)) is amended by striking out "Customs Court"
11 and inserting "Court of International Trade".

12 SEC. 609. Section 516A of the Tariff Act of 1930 is
13 amended by striking out "Customs Court" and inserting
14 "Court of International Trade" each time it appears.

15 SEC. 610. Section 528 of the Tariff Act of 1930 (19
16 U.S.C. 1528) is amended by striking out "Customs Court"
17 and inserting "Court of International Trade".

18 SEC. 611. Section 563(a) of the Tariff Act of 1930 (19
19 U.S.C. 1563) is amended by striking out "Customs Court"
20 and inserting "Court of International Trade".

21 SEC. 612. Section 7443(d) of the Internal Revenue
22 Code of 1954 (26 U.S.C. 7443(d)) is amended by striking out
23 "Customs Court" and inserting "Court of International
24 Trade".

1 SEC. 613. Section 252 of title 28, United States Code,
2 is amended by striking out “Customs Court” and inserting
3 “Court of International Trade”.

4 SEC. 614. Section 253(a) of title 28, United States
5 Code, is amended by striking out “Customs Court” and in-
6 serting “Court of International Trade”.

7 SEC. 615. Section 254 of title 28, United States Code,
8 is amended by striking out “Customs Court” and inserting
9 “United States Court of International Trade”.

10 SEC. 616. Section 255(a) of title 28, United States
11 Code, is amended by striking out “Customs Court” and in-
12 serting “United States Court of International Trade”.

13 SEC. 617. (a) Section 293(b) of title 28, United States
14 Code, is amended by striking out “Customs Court” and in-
15 serting “United States Court of International Trade”.

16 (b) Section 293(c) of title 28, United States Code, is
17 amended by striking out “Customs Court” and inserting
18 “United States Court of International Trade” each time it
19 appears.

20 SEC. 618. Section 569(a) of title 28, United States
21 Code, is amended by striking out “Customs Court” and in-
22 serting “United States Court of International Trade”.

23 SEC. 619. Section 605 of title 28, United States Code,
24 is amended by striking out “Customs Court” and inserting

1 “United States Court of International Trade” each time it
2 appears.

3 SEC. 620. Section 871 of title 28, United States Code,
4 is amended by striking out “Customs Court” and inserting
5 “United States Court of International Trade”.

6 SEC. 621. Section 873 of title 28, United States Code,
7 is amended by striking out “Customs Court” and inserting
8 “United States Court of International Trade”.

9 SEC. 622. Section 1340 of title 28, United States Code,
10 is amended by striking out “Customs Court” and inserting
11 “United States Court of International Trade”.

12 SEC. 623. (a) Section 1541(a) of title 28, United States
13 Code, is amended by striking out “Customs Court” and in-
14 serting “Court of International Trade”.

15 (b) Section 1541(b) of title 28, United States Code, is
16 amended by striking out “Customs Court” and inserting
17 “United States Court of International Trade” each time it
18 appears.

19 SEC. 624. Section 2601 of title 28, United States Code,
20 is amended by striking out “Customs Court” and inserting
21 “United States Court of International Trade” each time it
22 appears.

23 SEC. 625. The table of chapters for part I of title 28,
24 United States Code, is amended in the item relating to chap-

1 ter 11 by striking out “Customs Court” and inserting
2 “United States Court of International Trade”.

3 SEC. 626. The table of chapters for part III of title 28,
4 United States Code, is amended in the item relating to chap-
5 ter 55 by striking out “Customs Court” and inserting
6 “United States Court of International Trade”.

7 SEC. 627. (a) The section heading for section 1541 of
8 title 28, United States Code, is amended by striking out
9 “Customs Court” and inserting “Court of International
10 Trade”.

11 (b) The table of sections for chapter 93, title 28, United
12 States Code, is amended in the item relating to section 1541
13 by striking out “Customs Court” and inserting “Court of In-
14 ternational Trade”.

15 SEC. 628. (a) The section heading for section 2601 of
16 title 28, United States Code, is amended by striking out
17 “Customs Court” and inserting “Court of International
18 Trade”.

19 (b) The table of sections for chapter 167, title 28,
20 United States Code, is amended in the item relating to sec-
21 tion 2601 by striking out “Customs Court” and inserting
22 “Court of International Trade”.

1 **TITLE VII—TECHNICAL AND CONFORMING**
2 **AMENDMENTS**

3 SEC. 701. Section 337(c) of the Tariff Act of 1930 is
4 amended—

5 (1) by inserting immediately after “Appeals” the
6 following: “, subject to chapter 7 of title 5, United
7 States Code,”; and

8 (2) by striking out the last sentence and inserting
9 in lieu thereof the following: “Notwithstanding the
10 foregoing, review of commission determinations under
11 subsections (d), (e), and (f) as to its findings on the
12 amount and nature of bond, the appropriate remedy, or
13 the effect of such order on the public health and
14 welfare, competitive conditions in the United States
15 economy, the production of like or directly competitive
16 articles in the United States, and United States con-
17 sumers, shall be reviewable only for abuse of adminis-
18 trative discretion.”.

19 SEC. 702. Section 516A(a)(1) of the Tariff Act of 1930
20 is amended by inserting “or such other time as provided by
21 statute” immediately after “30 days”.

22 SEC. 703. The second sentence of section 516A(c)(2) of
23 the Tariff Act of 1930 is amended to read as follows: “In
24 ruling upon a request for such injunctive relief, the court

1 shall consider the factors set forth in section 2643(e) of title
2 28, United States Code.”.

3 SEC. 704. The second sentence of section 516A(d) of
4 the Tariff Act of 1930 is amended to read as follows: “The
5 party filing the action shall notify all such interested parties
6 of the filing of an action under this section in the form, man-
7 ner, style and within the time prescribed by the rules of that
8 court.”.

9 SEC. 705. Section 592(e) of the Tariff Act of 1930 is
10 amended in the introductory paragraph to read as follows:

11 “(e) COURT OF INTERNATIONAL TRADE AND DIS-
12 TRICT COURT PROCEEDINGS.—Notwithstanding any other
13 provision of law, in any proceeding commenced by the United
14 States in the Court of International Trade or in a United
15 States district court, under section 604 of this Act for the
16 recovery of any monetary penalty claimed under this section,
17 or transferred from the Court of International Trade to a
18 district court under section 1581 of title 28, United States
19 Code—”.

20 SEC. 706. (a) The second sentence of the second para-
21 graph of paragraph (b) of section 641 of the Tariff Act of
22 1930 is amended by striking out all that appears after “fil-
23 ing,” and before “sixty,” and inserting in lieu thereof “in the
24 Court of Customs and Patent Appeals, within”.

1 (b) The second paragraph of section 641(b) of the Tariff
2 Act of 1930 is amended by inserting the following immedi-
3 ately after the third sentence: "For purposes of this para-
4 graph, all relevant rules prescribed in accordance with sec-
5 tions 2072 and 2112 of title 28, United States Code, apply to
6 the Court of Customs and Patent Appeals."

7 SEC. 707. (a) Section 250(a) of the Trade Act of 1974 is
8 amended by striking out "court of appeals for the circuit in
9 which such worker or group is located or in the United
10 States Court of Appeals for the District of Columbia Circuit"
11 and inserting in lieu thereof "Court of International Trade".

12 (b)(1) Section 250(c) of the Trade Act of 1974 is amend-
13 ed by inserting the following immediately after the first sen-
14 tence: "The judgment of the Court of International Trade
15 shall be subject to review by the United States Court of Cus-
16 toms and Patent Appeals as prescribed by the rules of the
17 Court of Customs and Patent Appeals."

18 (2) Section 250(c) of the Trade Act of 1974 is further
19 amended by striking out "court" the second time it appears
20 and inserting in lieu thereof "Court of Customs and Patent
21 Appeals".

22 SEC. 708. Section 518(a) of title 28, United States
23 Code, is amended by inserting "and in the Court of Interna-
24 tional Trade" immediately after "Claims".

1 SEC. 709. Section 751 of title 28, United States Code,
2 is amended by adding at the end thereof the following:

3 “(f) When the Court of International Trade is sitting in
4 a judicial district other than the Southern and Eastern Dis-
5 tricts of New York, the clerk of that district court or an au-
6 thorized deputy clerk, upon the request of the chief judge of
7 the Court of International Trade and with the approval of
8 that district court, shall act in the district as clerk of the
9 Court of International Trade in accordance with the rules
10 and orders of the Court of International Trade for all pur-
11 poses relating to any case pending before the court.”.

12 SEC. 710. Section 1331(a) of title 28, United States
13 Code, is amended by adding at the end thereof the following:
14 “The district courts shall not possess jurisdiction under this
15 section over any matter within the exclusive jurisdiction of
16 the Court of International Trade.”.

17 SEC. 711. Section 1337 of title 28, United States Code,
18 is amended by adding at the end thereof the following:

19 “(c) The district courts shall not possess jurisdiction
20 under this section over any matter within the exclusive juris-
21 diction of the Court of International Trade.”.

22 SEC. 712. Section 1355 of title 28, United States Code,
23 is amended by adding at the end thereof the following: “The
24 Court of International Trade shall have jurisdiction of any

1 such action or proceeding commenced in such court under
2 section 1582 of this title.”.

3 SEC. 713. Section 1356 of title 28, United States Code,
4 is amended by adding at the end thereof the following: “The
5 Court of International Trade shall have jurisdiction of any
6 such action or proceeding commenced in such court under
7 section 1582 of this title.”.

8 SEC. 714. The second paragraph of section 1491 of title
9 28, United States Code, is amended by inserting “within the
10 exclusive jurisdiction of the Court of International Trade, or”
11 after “suits” the first time it appears in the first sentence.

12 SEC. 715. Section 1919 of title 28, United States Code,
13 is amended by inserting “or the Court of International
14 Trade” after “court” the first time it appears.

15 SEC. 716. Section 1963 of title 28, United States Code,
16 is amended by inserting the following immediately after “dis-
17 trict court” the first time it appears: “or in the Court of
18 International Trade”.

19 SEC. 717. The first paragraph of section 2414 of title
20 28, United States Code, is amended by inserting “or Court of
21 International Trade” after “court” in the first sentence.

22 SEC. 718. (a)(1) Except as provided in paragraph (2),
23 this Act, and the amendments made by this Act, shall be-
24 come effective on the date on which title VII of the Tariff

1 Act of 1930, as added by title I of the Trade Agreements Act
2 of 1979, takes effect.

3 (2) The amendments made by section 506 of this Act
4 shall become effective on October 1, 1980.

5 (b) Nothing in this Act shall cause the dismissal of any
6 action commenced prior to the date of enactment under juris-
7 dictional statutes relating to the United States Customs
8 Court or the United States Court of Customs and Patent
9 Appeals in effect before the date of enactment of this Act.

10 (c)(1) Except as provided in paragraph (2), in reviewing
11 any determination made before January 1, 1980, under sec-
12 tion 303 of the Tariff Act of 1930 or the Antidumping Act,
13 1921, the Court of International Trade and the Court of Cus-
14 toms and Patent Appeals shall base its review on the law as
15 it existed on the date of such determination.

16 (2) The scope of review and procedures for such review
17 shall be governed by the provisions of, and the amendments
18 made by, this Act.

Passed the Senate December 18 (legislative day, Decem-
ber 15), 1979.

Attest:

J. S. KIMMITT,
Secretary.